

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

3 Gannett Drive, White Plains, NY 10604 Tel: (914) 323-7000 Fax: (914) 323-7001

New York • Los Angeles • San Francisco • Washington, DC • Newark • Philadelphia • Baltimore • Miami • Chicago • White Plains, NY  
Dallas • Albany, NY • San Diego • Houston • Garden City, NY • Boston • McLean, VA • Stamford • London  
Affiliate Offices: Paris • Berlin • Cologne • Frankfurt • Munich

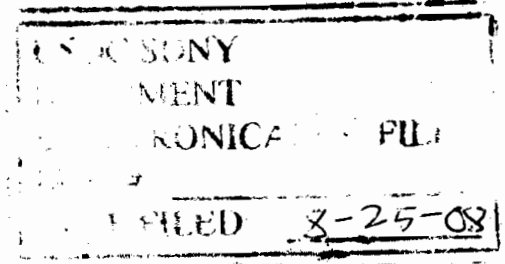
**MEMO ENDORSED**

JASON SUTZGER

E-mail: jason.sutzger@wemed.com

www.wemed.com

August 22, 2008



**BY ELECTRONIC CASE FILING**  
**REQUEST FOR EXTENSION OF TIME TO**  
**RESPOND TO COURT'S ORDER DATED AUGUST 14, 2008**

The Honorable Theodore H. Katz  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1660  
New York, New York 10007-1312

Re: Sylvia Abrams v. John Glenn Associates, Inc., 07-CV-7861 (JGK) (THK)

Dear Honorable Sir:

We wish to take this opportunity to introduce ourselves as counsel of record for defendant John Glenn Associates, Inc. ("John Glenn") in the above-captioned matter. Our firm was retained by John Glenn today and we intend to file a Notice of Appearance with the Clerk of the Court forthwith. First and foremost, on behalf of our client, we sincerely apologize to the Court and plaintiff's counsel about the current procedural posture of the case. The Court should be assured that to the extent an entry of default has been entered, it was not the result of any willful failure on behalf of my client.

We also respectfully request a one week extension to respond to Your Honor's Order dated August 14, 2008, in which it requires that "no later than August 25, 2008 John Glenn Associates shall show cause, in a sworn written submission to this Court, why it should not be held in contempt of court and be subject to sanctions." I have spoken to plaintiff's counsel about this request and he has agreed to it. I also indicated to plaintiffs' counsel that without waiving any of its rights, I will instruct John Glenn to immediately begin gathering documents responsive to the subject subpoena concerning the inquest for damages that has resulted in Your Honor's August 14, 2008 Order and will have the relevant information, to the extent any exists, made available to plaintiffs by September 2, 2008, which plaintiff's counsel has also agreed to.

Furthermore, we request that the Court schedule a conference call so that we can discuss our objections to any motion for class certification that pertains to the inquest for damages that

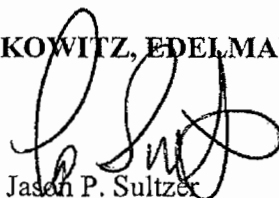
The Honorable Theodore H. Katz  
United States Magistrate Judge  
Page 2 of 2  
August 22, 2008

was referred to your Honor as we believe such issues should be separate and apart from any issue pertaining to a default. Moreover, John Glenn intends on filing an answer to the plaintiffs' complaint because our review of the docket did not reveal that any formal entry for default has been executed. To the extent that the Court has issued such an Order that we overlooked given our recent involvement in this case, we will seek to obtain same from plaintiff's counsel and will properly withdraw our answer and move to vacate or set aside any entry of default or default judgment pursuant to the Federal Rules.

Finally, the Court should also be aware that I am discussing a possible resolution of this matter with plaintiffs' counsel and will advise the Court promptly in the event we are able to reach a settlement before next week. We also welcome an opportunity to discuss any other issues or concerns with the Court and plaintiff's counsel at their convenience and how best to move forward in light of my firm's recent appearance in this case at any time.

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP



Jason P. Sultzer

JPS:dz

BY ECF

cc: Adam J. Fishbein, P.C.  
483 Chestnut Street  
Cedarhurst, New York 11516

BY E-MAIL AND FACSIMILE

*Defendant's proposal to  
provide documents responsive to  
the subpoena by Sept 2, 2008,  
is acceptable. The response to the  
order to show cause should be  
filed by September 3, 2008, after  
the documents production.*

*The parties should initiate a  
telephic conference with the Court on  
September 4, 2008 at 4:00 P.M.*

**SO ORDERED**

*8/25/08*

*Theodore H. Katz*  
**THEODORE H. KATZ**

**UNITED STATES MAGISTRATE JUDGE**